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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PHAM, THOMAS K	

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,953	CROMER ET AL.	
	Examiner	Art Unit	
	Thomas K Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to request for re-consideration filed on 08/03/2004.

2. Applicant's arguments filed 08/03/2004 have been fully considered but they are not persuasive.

Quotations of U.S. Code Title 35

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

7. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi U.S. Patent no. 6,058,311 in view of Alger et al. U.S. Patent no. 5,913,217 (hereinafter Alger).

Regarding claims 1 and 8

Tsukagoshi teaches substituting an anonymous unique identifier for a mobile system's real unique identifier in order to disguise an identity of the mobile system to an application requesting a unique identifier for a mobile terminal (abstract), comprising: establishing a storage device in the mobile system including a primary location, wherein an identifier is stored in the primary location is used as a unique identification for the mobile system (col. 3 lines 25-29, "The home memory station 101 ... with the temporary identifier"); generating said anonymous identifier (col. 1 lines 52-58, "after assigning a temporary ... the mobile station is identified"); storing the anonymous identifier in the primary location within the storage device (col. 3 lines 46-47, "The ID_{TEMP} RAM 205 ... home memory station 101"); and providing the anonymous identifier in response to a request for the mobile system's identifier (col. 4 line 50 to col. 5 line 27, "when the mobile terminal MT ... common carrier B until updated") but does not teach the unique identifier is a Universal Unique Identifier (UUID); and the anonymous identifier does not identify any particular mobile system. However, Alger teaches generating and compress a UUID (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the UUID of Alger with the substituting of unique identifier in a mobile system of Tsukagoshi because it would provide for disguising the unique identifier of a computer server in an open network from client computers. Furthermore, "Official Notice" is

taken for the concept and advantages of having the anonymous identifier does not identify any particular mobile system. "Solutions for Anonymous Communication on the Internet" of Claessens et al., appeared in Proceeding of the IEEE 33rd Annual 1999 International Carnahan Conference on Security Technology October 5-7, 1999, pages 298-303 teaches anonymous communication as a way to have an anonymous identity identifier that does not identify any source of communication (see page 299, section 2 "Anonymity") for the purpose of hiding conversation from outside observers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to define an anonymous identifier that does not identify any particular source.

8. Claims 2-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi in view of Alger and further in view of Gabber et al. U.S. Patent no. 5,961,593 (hereinafter Gabber).

Regarding claims 2 and 9

Tsukagoshi teaches storage device including a secondary location for saving the real unique identifier (col. 3 lines 44-45, "The ID ROM 204 ... to the mobile terminal") while the anonymous identifier is being utilized as the mobile system's unique identifier (col. 3 lines 62-67, "A temporary identifier ... to the home network, respectively") and Alger teaches the unique identifier as the UUID but they do not teach in response to said storage of the anonymous UUID in the primary location, moving the real UUID from said primary location to the secondary location, wherein the real UUID is not located in the primary location after the move. However, Gabber teaches the method of providing anonymous identifiers to the server sides to prevent the

server from determining the true identity of the users by substituting or removing the portions of the browsing command that would identify the user site (col. 5 line 63 to col. 6 line 11, "One or more site-specific ... to the server site 110g"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the substituting of real identifiers of Gabber with the system of Tsukagoshi and Alger because it would provide for disguising the real identity of a client computer to unknown computer servers on the Internet.

Regarding claims 3 and 10

Tsukagoshi teaches substituting a real unique identifier with an anonymous unique identifier by moving real identifier stored in the primary location to a secondary location in a storage device and storing the anonymous identifier in the primary location, wherein the identity of the mobile computer system is disguised by utilizing anonymous identifier as the system's identifier and Alger teaches the UUID as in rejected in **claim 1** but do not teach establishing a cloak bit for specifying whether to disguise said computer system's identity; said computer system starting execution of said boot process; determining whether said cloak bit is set during said execution of said boot process. However, Gabber teaches the method of providing anonymous identifiers to the server sides to prevent the server from determining the true identity of the users (col. 5 line 63 to col. 6 line 11, "One or more site-specific ... to the server site 110g"). It would have been obvious to one of ordinary skill in the art at the time the invention to have a flag similar to the cloak bit for specifying whether to disguise the computer system's identity which is set during the booting process of the system and a process to safe guard the user's identity when accessing other server on the internet.

Regarding claims 4 and 11

Tsukagoshi teaches substituting a real unique identifier with an anonymous unique identifier but does not teach that by clearing the cloak bit will move the real UUID from storage location to the primary location for revealing the true identity of the computer system in response to the cleared cloak bit. However, it would have been obvious and well known to one of ordinary skill in the art that since the function of cloak bit is to toggle between the anonymous and the real identity, so when determining to clear the cloak bit, the real UUID will be move from temporary storage location to the primary location for revealing the true identity of the computer system in response to the cleared cloak bit.

Regarding claims 5 and 12

Gabber teaches an application program requesting the computer system's identifier; and the computer system providing an identifier stored in the primary location to the application program in response to the request (abstract).

Regarding claims 6 and 13

Tsukagoshi teaches substituting a real unique identifier with an anonymous unique identifier by moving real identifier stored in the primary location to a secondary location in a storage device and storing the anonymous identifier in the primary location, wherein the identity of the mobile computer system is disguised by utilizing anonymous identifier as the system's identifier and Alger teaches the UUID as in rejected in **claim 1** but do not teach establishing a cloak bit for specifying whether to disguise said computer system's identity; said computer system providing said real UUID which is stored in said primary location to said application program in response to said request when said cloak bit is cleared; and said computer system providing said anonymous UUID which is stored in said primary location to said application program in

response to said request when said cloak bit is set. However, Gabber teaches the method of providing anonymous identifiers to the server sides to prevent the server from determining the true identity of the users (col. 5 line 63 to col. 6 line 11, "One or more site-specific ... to the server site 110g"). It would have been obvious to one of ordinary skill in the art at the time the invention to have a cloak bit for specifying whether to disguise said computer system's identity which is set during the booting process of the system and a process to insure that the cloak bit is set in order to safe guard the user's identity when accessing other server on the internet. Furthermore, it would have been obvious and well known to one of ordinary skill in the art that since the function of cloak bit is to toggle between the anonymous and the real identity, so when determining to clear the cloak bit, the real UUID will be move from temporary storage location to the primary location for revealing the true identity of the computer system in response to the cleared cloak bit.

Regarding claims 7 and 14

Gabber teaches the method of providing anonymous identifiers to the server sides to prevent the server from determining the true identity of the users (col. 5 line 63 to col. 6 line 11, "One or more site-specific ... to the server site 110g"). It would have been obvious to one of ordinary skill in the art at the time the invention to have a cloak bit for specifying whether to disguise said computer system's identity which is set during the booting process of the system and a process to insure that the cloak bit is set in order to safe guard the user's identity when accessing other server on the internet. Furthermore, it would have been obvious and well known to one of ordinary skill in the art that since the function of cloak bit is to toggle between the anonymous and the real identity, so when determining to clear the cloak bit, the real UUID will be move

from temporary storage location to the primary location for revealing the true identity of the computer system in response to the cleared cloak bit and whether said cloak bit is set or cleared is inherently known by the system in order for the system to know whether to hide the real identity or not.

Response to Arguments

In the remark the applicant argues that cited reference fails to disclose:

I) "unique identifiers of a particular mobile station".

II) the anonymous identifier "does not identify any particular computer system...".

III) No suggestion to combine the Tsukagoshi, Alger and Gabber references.

In response to applicant's argument,

I) It was noted that prior art (Tsukagoshi) teaches the unique identifier of the mobile station. A mobile station can be any portable device such as a cell phone, a PDA, a laptop etc... . Therefore, the unique identifier of Tsukagoshi identified a form of computer device that is used by a subscriber.

II) The newly cited publication by Claessens et al. shows that it is well known and expected in the art to have an anonymous identifier for the purpose of not identifying any particular source of identity.

III) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tsukagoshi, Alger and Gabber are identifying computer devices so there is some teaching, suggestion, or motivation to combine the references themselves.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.** Responses may also be faxed to the **official fax number (703) 872- 9306.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 1, 2004